

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
 Applicant,)
)
v.)
)
DOLGENCORP,)
)
 Respondent.)

**CIVIL ACTION NO.
1:07-cv-06672**

EMERGENCY UNOPPOSED MOTION FOR EXTENSION OF TIME

Respondent Dolgencorp (“Dolgencorp”) moves this Court for an order extending, the time for Dolgencorp to comply with the Court’s April 15, 2008 order for one week, to and including May 16, 2008, and, in support, states as follows:

On April 15, 2008, this Court ordered Dolgencorp to provide the EEOC with the number of employees, within Division 5, by title and race, who were offered conditional offers of employment between the dates of January 1, 2004 and April 1, 2007 and to provide the number of those employees, by race and title, who had their contingent offers of employment revoked as a result of a criminal background check.

On May 6, 2008, this Court denied Dolgencorp’s motion to stay that Order pending appeal and ordered Dolgencorp to produce the information by Friday, May 9, 2008.

Dolgencorp has taken steps to comply with the Court’s order and, in fact, believed it was ready to produce the number of employees, within Division 5, by race, whose

contingent offers of employment were rescinded as a result of a criminal background check. However, Dolgencorp has discovered that the information it analyzed did not include all of the states that encompassed Division 5 during the period for which it was ordered to produce information.¹ Additionally, the information gathered does not include positions, and additional steps need to be taken in order to verify that the reason for the employment offer rescission, in fact, was that the candidate failed the criminal background check. To compile this data in a format that ensures its accuracy will take some additional (albeit not a significant amount of) time.

In addition, Dolgencorp needs more time to gather the number of employees, by title and race, who were given conditional offers of employment between January 1, 2004 and April 1, 2007 for the reasons stated above and because gathering this information is much more time consuming as it involves thousands of employees in twelve states.

For the foregoing reasons, Dolgencorp requests that the Court grant it a one week extension of time, until May 16, to supply this information to the EEOC. Dolgencorp does not request this extension for purposes of delay (in fact, the Company is going to dismiss its appeal), nor is the EEOC unfairly prejudiced by this short extension of time.

Counsel for Dolgencorp consulted with counsel for the EEOC, and the EEOC does not oppose this motion. However, the EEOC requested that the following statement be included in this motion: the EEOC asserts that Dollar General is not in compliance with the Court's April 15, 2008 Order, but agrees to take no further legal action before May 16, 2008.

¹ Defendant's analysis did not include Arkansas, Kentucky or Indiana, each of which were included in Division 5 (in whole or in part) during the January 1, 2004, through April 1, 2007, period. In the interest of ease, Defendant plans simply to include those entire states within its analysis for the entire production period, even though only portions of Kentucky and Indiana were included in Division 5, and even though none were included in Division 5 for the entire period.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May, 2008, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

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